



09-05-08

1Fw

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/711,255

Filing Date

09/04/2004

First Named Inventor

Stanley C. Antosh

Art Unit

1611

Examiner Name

Joseph S. Kudla

Attorney Docket Number

42160.008

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

ROZSA LAW GROUP LC

Signature

Printed name

Thomas I. Rozsa

Date

9-4-2008

Reg. No.

29,210

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Thomas I. Rozsa

Date

9-4-2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ROZSA LAW GROUP LC.
ATTORNEYS AT LAW
18757 BURBANK BOULEVARD, SUITE 220
TARZANA, CALIFORNIA 91356-3346
TELEPHONE (818) 783-0990



Attorney's Docket No.:41260.008

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

**Stanley C. Antosh and
Anthony J. Meduri**

Group Art Unit No. 1611

**Examiner:
Joseph S. Kudla**

Telephone: (571) 270-3288

Serial No.: 10/711,255

Filed: 09/04/2004

For the Invention of:

**THE USE OF METHYL PYRUVATE OR
METHYL PYRUVIC ACID FOR THE
TREATMENT OF DISEASES OF THE
NERVOUS SYSTEM AND FOR PROTECTING
A HUMAN CENTRAL NERVOUS SYSTEM
AGAINST NEURONAL DEGENERATION
CAUSED BY DEFECTIVE INTRACELLULAR
ENERGY PRODUCTION**

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**RESPONSE TO SUPPLEMENTAL REQUIREMENT ON
RESTRICTION REQUIREMENT**

1. The Office Action of August 8, 2008 on the above-referenced Application Serial No. 10/711,255 (hereafter the " '255 Application") is hereby acknowledged. The shortened statutory period of one (1) month time period for response to this Office Action expires on September 8, 2008. This Response To Restriction Requirement is being mailed by Express Mail, Mail Label No. EM 217940798 US, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 4, 2008. Therefore, this

Response is timely filed. In the event that the Commissioner for Patents should determine that any extension of time is required for this Response to be timely filed and an appropriate fee is due for that extension of time, then the Commissioner for Patents is hereby authorized to charge Deposit Account Number 18-2222 for such appropriate fee.

2. The Applicants points out that the Applicants did elect (3) on Claims 39 and 40 in Paragraph 4 of their reply filed on 7/11/08 and elected creatine analogs which can act as reversible or irreversible inhibitors of creatine kinase. The election was made with traverse. Since the Examiner stated in the Office Action of 08/08/2008 that the Applicants also have to elect the creatine analog, the Applicants hereby elect cyclocreatine in Claims 39 and 40. This election is also made with traverse.

Respectfully submitted,

Date: September 4, 2008

Thomas I. Rozsa

Thomas I. Rozsa
Registration No. 29,210

Customer No. 021907
Telephone (818) 783-0990
Facsimile (818) 783-0992

ROZSA LAW GROUP LC
18757 Burbank Boulevard, Suite 220
Tarzana, California 91356-3346

I hereby certify that this correspondence
is being deposited with the United States
Postal Service as Express Mail in an envelope
addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450 9/4/08

Date of Deposit
Express Mail No. EM 2179510498US

THOMAS I. ROZSA
Registration No. 29,210

Thomas I. Rozsa 9/4/08
Signature and Date

rest.antosh.008